

means that unless it is impossible to comply with both State law and Federal law, the State law is not preempted.

Between the increases in funding for first responders, port, rail and maritime security, and the protection of States rights to pass chemical security laws that are stronger than Federal regulations, this is the right bill at the right time.

I encourage my colleagues to support this legislation and I urge the President to sign it into law.

Mr. McCONNELL. Mr. President, today marks an important milestone for this Congress. It seems that after spending the first half of the year staging political show-votes and investigations, our friends on the other side have woken up to the fact they only had two things to show for it: an angrier base and a long to-do list. In the fog of battle they forgot that getting things done in the Senate takes cooperation.

We have cooperated on this bill. And it is a lot better for it. I am extremely pleased the majority ultimately accepted Senator GRAHAM's border security amendment. We got the message last month: border security first. And now, thanks to this effort, we will be delivering a \$3 billion downpayment on a stronger border. I also appreciate Senator CORNYN's insistence that interior enforcement be a part of that funding. To us it's pretty simple: there is no homeland security without border security. We will continue to push this idea on the floor of the Senate in the coming weeks and months. Today is just the beginning.

A lesson we can learn from the last 6 months is that there is a cost to everything. And the cost of putting off legislating in favor of around-the-clock politics is that there isn't much to show for it in the end.

It has been my view all along that we should have been working on appropriations bills all summer. Here we are almost in August and we have only passed one. So we are looking at a potential train wreck in September. But it is possible that if we work together, like we did this time, we can still make good progress. And I hope we do.

A brief word about cloture. Look: anybody who has been in the Senate for more than a week will tell you—if they are being honest—that 40 or so cloture votes in 6 months isn't a sign of minority obstruction; it is a sign of a majority that doesn't like the rules. The cloture club shouldn't be the first option. It should be the last. Hopefully today's vote is also a sign that we are moving away from cloture as a first resort.

I hope the majority will follow through on a pledge that the senior Senator from Illinois made on the first day of the session. He said the American people put Democrats in the majority "to find solutions, not to play to a draw with nothing to show for it." Very well said.

My Republican colleagues hope we can operate this way. I think it will be the best way to operate in the fall if we actually intend to legislate.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the substitute, as amended.

The amendment (No. 2383), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 282 Leg.]

#### YEAS—89

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Barrasso	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Hagel	Roberts
Boxer	Harkin	Rockefeller
Brown	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dole	McCaskill	Wyden
Domenici	McConnell	

#### NAYS—4

Coburn	Inhofe
DeMint	Voinovich

#### NOT VOTING—7

Brownback	Johnson	Obama
Coleman	Lott	
Dodd	McCain	

The bill (H.R. 2638), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints the following conferees:

The Presiding Officer appointed Mr. BYRD, Mr. INOUE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. GREGG, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, and Mr. ALEXANDER conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all Senators who worked very hard to get the Homeland Security appropriations bill completed. I thank Senator COCHRAN and Senator BYRD, managers of the bill. It has been a long process. We got a lot accomplished. We have one appropriations bill that we will now send to conference. I especially thank the staffs who spent long hours.

I ask unanimous consent to have their names printed in the RECORD and to thank them publicly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### MAJORITY STAFF

Charles Kieffer  
Chip Walgren  
Scott Nance  
Drenan E. Dudley  
Tad Gallion  
Christa Thompson  
Adam Morrison

#### MINORITY STAFF

Rebecca Davies  
Carol Cribbs  
Mark Van de Water

#### IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1)

to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 25, 2007.)

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that we proceed as under the previous order to debate Senator DEMINT's motion to recommit the conference report and that following the vote on the DeMint motion, if his motion is defeated, the Senate vote on the conference report as under the previous order, with the debate time on the conference report reserved for after the votes; further that the time on the motion to recommit be reduced to 10 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object—I will not object, obviously—I want to thank all Senators on both sides for being willing to make their remarks after the vote. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

#### MOTION TO RECOMMIT

Mr. DEMINT. Mr. President, I know we are all tired and we have agreed to cut this short. But this 9/11 Commission bill is very important and a part of it that we have talked about tonight and actually for the last year is port security. All of us agreed once again tonight that we should not allow convicted, serious felons to have access to secure areas of our ports. Unfortunately this amendment tonight was on an appropriations bill, and it restricted the use of funds for 1 year. We have passed another time as part of the Safe Ports Act—94 to 2—to do this same thing: to take the Department of Homeland Security regulations they passed after careful study and codify it into law. But the 9/11 conference bill has come back to us and, once again, gutted that provision.

The reason it has been gutted is this: Once we pass this conference report the way it is, and it allows the Secretary to waive, to change, or to leave certain felonies that are listed, then it opens the whole regulatory process to lawsuit and challenge on a continuous basis.

We have voted in the open tonight to stop that from happening, to stop convicted felons from working in secure areas of our ports. My motion tonight is very simple. It is to recommit this bill to committee to restore the amendment in the exact words that we

have passed on the floor and to avoid the watering down and the gutting of a very important port security measure.

The Senate has voted 93 to 1 tonight. The House voted last week on the same measure 354 to 66.

What the 9/11 Commission bill does is allow the Secretary to eliminate or change listed felonies, allowing TWIC cards, these secure area cards, to possibly be given to those who have been convicted of smuggling, arson, kidnapping, rape, extortion, bribery, money laundering, hostage taking, unlawful use of a firearm, drug dealing, immigration violations, assault with intent to kill, robbery, fraudulent entry to a seaport or racketeering.

These are serious crimes. Although there is often talk of giving people a second chance, that second chance should not come at the expense of the security of our Nation.

Mr. President, I send this motion to the desk, which they have, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves to recommit H.R. 1, an act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks upon the United States, to the conference on the disagreeing votes of the two Houses on such bill, with an instruction that the conferees on the part of the Senate insist on the matter contained in section 1455 of the Senate engrossed amendment, which prohibits the issuance of transportation security cards to convicted felons.

Mr. DEMINT. Mr. President, I ask my colleagues to recommit this bill. It is something that can be done quickly without delaying the final passage of this conference report, but it restores a very important provision we all voted on. I hope we can all support this motion to recommit.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, with respect to my friend from South Carolina, I rise to urge my colleagues to defeat this motion to recommit.

Like all legislation that makes it out of both Chambers and onto the President's desk, this bill contains compromise. Compromises are at the heart of the legislative process, reconciling differences between the House and the Senate. In fact, this process is at the very heart of this remarkable system our Founding Fathers designed for us. So it was with this legislation.

In some cases, the House yielded to the Senate; in others, the Senate yielded to the House. That is why we have a conference report that, on balance, will greatly strengthen our homeland security.

I would say to Senator DEMINT that I supported his language in the original Senate bill. It was slightly modified in conference. That happens. But we ended up with language that had the support of both Democratic and Repub-

lican conferees in both the House and the Senate.

In my opinion, the difference is not great. We simply give the Secretary of Homeland Security the authority, with his judgment as the protector of our homeland security, to decide when and if certain of these enumerated convictions ought not any longer to be a prohibition to working in our ports.

I respect Senator DEMINT's position, but what he has asked us to do is to recommit the bill and delay all of the improvements in security that come with the underlying bill. So my colleagues will have to answer the question about whether it is worth it, whether it is worth delaying provisions that will ensure better security against attacks on airplanes, better security with regard to maritime and air cargo, better security against terrorists entering this country via, for instance, the visa waiver program, better technology and support for our first responders, and a provision to provide immunity from liability for citizens who see what they take reasonably and in good faith to be action that appears to them to be associated with a terrorist attack. We protect them from liability from those they are complaining against.

If we do not pass this legislation tonight and enable the House to pass it next week, we are going to be delaying its movement to the President and its enactment into law.

So I respectfully oppose the motion and ask my colleagues to vote against recommitment.

I thank the Chair and yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

The majority leader is recognized.

Mr. REID. Mr. President, thank you.

We have accomplished a lot today. We have had a few blowups but not for long. That is the way it is. For those of us who have been here a while, this reminded us all of how we used to legislate. This is fun for us legislators. It is great.

I am so happy we did not file cloture on this bill. We were able to work through it. I would say that we have earned tomorrow off. I am anxious the people who have the important trip to Greenland will be able to do that. We will not be in session tomorrow. The next vote will be on the children's health bill sometime Monday. We will do it Monday. The first vote will be at about 5:15 or 5:30 on Monday night. I think that should be about it. We will have this vote. We will finish this vote and one more, and then we will have some speeches, and that will be it for the day.

The PRESIDING OFFICER. The supporters of the motion have 2 minutes 12 seconds. The opponents of the motion have 1 minute 1 second.

Mr. DEMINT. Mr. President, I yield back the remainder of my time.

Mr. LIEBERMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit.

Mr. LIEBERMAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 67, as follows:

[Rollcall Vote No. 283 Leg.]

#### YEAS—26

Alexander	Crapo	Isakson
Barrasso	DeMint	Kyl
Bunning	Dole	McConnell
Burr	Ensign	Sessions
Chambliss	Enzi	Shelby
Coburn	Graham	Sununu
Corker	Grassley	Thune
Cornyn	Hutchison	Vitter
Craig	Inhofe	

#### NAYS—67

Akaka	Feinstein	Nelson (FL)
Allard	Gregg	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Bennett	Hatch	Reid
Biden	Inouye	Roberts
Bingaman	Kennedy	Rockefeller
Bond	Kerry	Salazar
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Byrd	Landrieu	Smith
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Stabenow
Carper	Levin	Specter
Casey	Lieberman	Stevens
Clinton	Lincoln	Tester
Cochran	Lugar	Voinovich
Collins	Martinez	Warner
Conrad	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feingold	Murray	

#### NOT VOTING—7

Brownback	Johnson	Obama
Coleman	Lott	
Dodd	McCain	

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 8, as follows:

[Rollcall Vote No. 284 Leg.]

#### YEAS—85

Akaka	Durbin	Murray
Alexander	Ensign	Nelson (FL)
Allard	Feingold	Nelson (NE)
Baucus	Feinstein	Pryor
Bayh	Grassley	Reed
Bennett	Gregg	Reid
Biden	Hagel	Roberts
Bingaman	Harkin	Rockefeller
Bond	Hatch	Salazar
Boxer	Hutchison	Sanders
Brown	Inouye	Schumer
Bunning	Isakson	Sessions
Burr	Kennedy	Shelby
Byrd	Kerry	Smith
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Stevens
Chambliss	Leahy	Sununu
Clinton	Levin	Tester
Cochran	Lieberman	Thune
Collins	Lincoln	Vitter
Conrad	Lugar	Voinovich
Corker	Martinez	Warner
Cornyn	McCaskill	Webb
Craig	McConnell	Whitehouse
Crapo	Menendez	Wyden
Domenici	Mikulski	
Dorgan	Murkowski	

#### NAYS—8

Barrasso	Dole	Inhofe
Coburn	Enzi	Kyl
DeMint	Graham	

#### NOT VOTING—7

Brownback	Johnson	Obama
Coleman	Lott	
Dodd	McCain	

The conference report was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### SMALL BUSINESS TAX RELIEF ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that on Monday, July 30, following a period of morning business, the Senate proceed to calendar No. 58, H.R. 976, and that once the bill is reported, Senator BAUCUS be recognized to offer an amendment, which would be the text of the children's health legislation, also known as SCHIP, reported by the Senate Finance Committee.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

#### CLOTURE MOTION

Mr. REID. In view of the objection, I now move to proceed to calendar No. 58, H.R. 976, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 58, H.R. 976, the Small Business Tax Relief Act of 2007.

Harry Reid, Max Baucus, Bernard Sanders, Jeff Bingaman, Ted Kennedy, Maria Cantwell, B.A. Mikulski, Barbara Boxer, Daniel K. Inouye, Christopher Dodd, Patty Murray, Benjamin L. Cardin, Barack Obama, Kent Conrad, Dick Durbin, Ken Salazar, Blanche L. Lincoln, Jack Reed.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, finally, I hope that Monday, after the Republicans have a chance to study this legislation, we can move without a vote to this most important legislation. I had indications from the other side that that may be the case. If that is not the case, we will try to invoke cloture on this matter.

I appreciate everybody's hard work today. I now withdraw the motion.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

Mr. REID. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

#### IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. LIEBERMAN. Mr. President, before I describe some of the most important provisions in this legislation, I want to thank the 9/11 families who have played a critical role throughout this process. They first pushed for the establishment of the 9/11 Commission and then continued their fight, now through three major pieces of legislation, to see that its recommendations became law.

I want to thank the majority leader of the Senate for his leadership in helping to get this legislation through the Congress, and through a long but ultimately very productive conference.

I want to thank Senator COLLINS, Chairman THOMPSON, Senator COLLINS, Congressman KING, and all of my colleagues on the conference committee—and their staffs—on both sides of the aisle, from all of the relevant committees, and in both the House and the Senate for their willingness to work